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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Second report of States parties due in 1999

Addendum

Azerbaijan*

[18 December 1998]

* This document contains the initital and second periodic reports, submitted in one document, due on 15 September 1997 and 1999, respectively.

The information submitted by Azerbaijan in accordance with the consolidated guidelines for the initial part of the report of States parties is contained in HRI/CORE/1/41/Rev.2.

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Introduction

1. This report is the first to be presented by the Government of the Azerbaijani Republic in accordance with point 1 of Article 9 of the International Convention on the abolition of all forms of racial discrimination.

2. The Azerbaijani Republic acceded to the Convention on the basis of Law No. 95-IQ of 31 May 1996, which was adopted by the National Assembly of the Azerbaijani Republic and signed by the President of the country.

3. The International Convention on the Abolition of All Forms of Racial Discrimination came into force for the Azerbaijani Republic on 15 September 1996.

4. On 19 August 1998 the President of the Azerbaijani Republic issued Instruction No. 873 setting up a Working Group to prepare an initial report by the Azerbaijani Republic under the International Convention on the Abolition of All Forms of Racial Discrimination, to include representatives of the Ministries of Foreign Affairs, of Internal Affairs, of Justice, of State Security, of Labour and Social Security, of the Supreme Court and the Procuracy General. Experts from non-governmental organisations and national and cultural centres of the Azerbaijani Republic were invited to work on the initial report on the same footing as the experts from the State organisations.

5. The initial report, which was prepared in accordance with the overall guiding principles adopted by the Committee on the Abolition of Racial Discrimination concerning the form and content of reports to be presented by States in accordance with point 1 of Article 9 of the Convention, examines the legislative, judicial, administrative and other measures adopted by the Azerbaijani Republic in order to implement the provisions of the Convention.

6. The Constitutional Act adopted by the national Parliament on 18 October 1991 "on the independence of the Azerbaijani Republic" states the following: "On the 28 May 1918 the National Council of the Azerbaijani Republic passed the Declaration of independence, thereby reviving the Azeri people's centuries-old tradition of statehood."

7. The Azerbaijani Republic enjoyed complete political authority within its territory and pursued independent foreign and domestic policies. Institutions characteristic of an independent State - the Parliament, Government, army and financial system of the Azerbaijani Republic - were created and began to function.

8. The Azerbaijani Republic was recognised by many foreign States and established diplomatic relations with them. But on 27 and 28 April 1920, in flagrant violation of international legal norms, the RSFSR, without declaring war, moved units of its armed forces into Azerbaijan, occupied the territory of the sovereign Azerbaijani Republic and overturned by force the lawfully elected government bodies.

9. The outcome of the Azerbaidjan people's struggle for state independence was the adoption on 30 August 1991 by the Supreme Council of the Azerbaijani Republic of the Declaration "On the re-establishment of the State Independence

of the Azerbaidjani Republic" and the Constitutional Act "On the State Independence of the Azerbaidjani Republic" on 18 October 1991.

10. The Azerbaijani Republic is situated where Asia and Europe meet, occupies the south eastern part of the Transcaucasian region, borders on Russia in the north, on Iran in the south, on Turkey, Georgia, Armenia in the west, and on the east through the Caspian Sea with Kazakhstan and Turkmenistan. Its territory extends over 86,600 thousand square kilometers. The Nakhichevan Autonomous Republic is part of the Azerbaijani Republic.

11. Baku is the capital of the Azerbaijani Republic.

12. As of 1 January 1998 the population of the Azerbaijani Republic numbered 7,631,600, including 3,762,400 males and 3,869,200 females. The urban population stood at 3,983,400 and the rural population at 3,648,200.

13. Together with the Azeris, who make up most of the population, there are Lezgins, Avars, Talyshes, Tsakhurs, Kurds, Armenians, Udins, Russians, Ukrainians, Tatars, Belorussians and members of other minorities living in Azerbaijan.

14. The Islamic, Orthodox and Catholic Christian religions, the Judaic and many other religious confessions are registered and active in Azerbaijan. Muslim mosques, Christian churches, synagogues, a German Kirche and places of worship of other religions are operating in Azerbaidjan.

15. The Azerbaijani Republic is a permanent member of UNO, OSCE, UNESCO, ILO, WHO and many other international and regional organisations. In June 1996 the Azerbaijani Republic was accorded "special guest" status at the Council of Europe.

16. To date the Azerbaijani Republic has established diplomatic relations with 135 States.

17. On 12 November 1995 an event of both social and political significance took place in terms of the adoption, following a national referendum, of the first Constitution of an independent Azerbaijan, drafted with reference to fundamental international legal principles and regulations. The Constitution proclaimed the policy of building a secular state based on legal institutions, universal human values, the primacy of law and the protection of human and civil rights and freedoms.

18. Following the re-establishment of independence a whole series of legislative instruments were adopted concerning human rights. These included the Law "On the Constitutional Court", the Law "On Courts and Judges", the Law "On the election of the President of the Azerbaijani Republic", the Law "On the election of the National Assembly of the Azerbaijani Republic", the Law "On education", the Law "On the mass media", the Law "On political parties", the Law "On public associations", the Law "On trade unions" and others.

19. At present work is in hand, with the participation of experts from the UNO, OSCE and the Council of Europe, on new drafts of the Criminal Code, the

Code on Criminal Procedure and the Civil Code, the Law on the Procuracy, the Law on the Police, the Law on the Notariate, the Law against corruption and others.

20. The Azerbaijani Republic has acceded to 116 international conventions, including fundamental multilateral treaties on human rights.

21. Article 7, part 2, of the Constitution states that "in the Azerbaijani Republic state power is limited in internal affairs only by law, and in external affairs only by the provisions of international treaties of which the Azerbaijani Republic is a member."

22. In accordance with Article 148 of the Constitution, international treaties of which the Azerbaijani Republic is a member are an inalienable component element of the legislation of the Azerbaijani Republic. In accordance with Article 151 of the Constitution, where contradictions arise between legal instruments and regulations forming part of the legislation of the Azerbaijani Republic (excluding the Constitution of the Azerbaijani Republic and instruments adopted by referendum) and international treaties of which the Azerbaijani Republic is a member, the provisions of the international treaties shall apply.

23. A number of Decrees of the President of the Azerbaijani Republic have been adopted in order to promote and protect human rights in the Azerbaijani Republic. These include the Decree "On measures to secure human and civil rights and freedoms", "On the State programme to protect human rights", "On additional measures to ensure freedom of speech, thought and information", "On the protection of the rights and freedoms of, and state support for the development of the language and culture of, national minorities, numerically small peoples and ethnic groups living in the Azerbaijani Republic."

24. In February 1998 in response to a proposal from the President of the Azerbaijani Republic the national Parliament revoked the death penalty in Azerbaijan.

25. The main obstacle to the development of Azerbaijan lies in the continuing aggression by neighbouring Armenia and the associated grievous consequences.

26. In order to evaluate correctly the causes of the war being waged against Azerbaijan by its neighbour state it is important to digress briefly into the recent past.

27. Armenian mass settlement on Transcaucasian territory, including in Azerbaijan, began in the first half of the 19th century. Historical evidence confirms that in 1828-29 alone 130,000 Armenians from the Middle East were resettled on the land where the Armenian Republic is located today, and later a further 600,000. The Armenians, taking advantage of the altered demographic balance, oppressed the indigenous Azeri population in various parts of the Transcaucasus in every possible way.

28. In 1918 there were 575,000 Azeris on the territory of present-day Armenia, constituting over one third of its total population. However, as a result of the Armenian Government's deliberate policy of forcibly ousting the Azeri population, out of a community over half a million strong, there is not a single Azeri left in Armenia today.

29. A major part in achieving the Armenian nationalists' plan to ethnically cleanse Armenia was played by the prominent Kremlin politician A. Mikoyan. Using his influence over Stalin he persuaded the "father of the peoples" to sign USSR Council of Ministers' Resolution No 4083 of 23 December 1947 "On the resettlement of collective farmers and other Azeris from the Armenian SSR to the Kura-Araksin lowlands in the Azerbaijani SSR" and No 754 of 10 March 1948 "On measures for the resettlement of collective farmers and other Azeris from the Armenian SSR to the Kura-Araksin lowlands in the Azerbaijani SSR". In line with the resolutions in the period 1948 to 1951 over 100,000 Azeris were forcibly resettled from their traditional motherland - the mountainous regions of Armenia - to the then waterless Mugano-Minuls steppe. Many of them did not survive the ordeal and perished.

30. The ousting of Azerbis from Armenian territory was accompanied at the same time by grave discrimination of their constitutional rights and a refusal to satisfy their national and cultural interests. Hundreds of thousands of Azeris remained in Armenia until 1988, living in compact groups, without being granted any national or cultural autonomy. Any attempt to even raise this issue was at once roughly and cruelly suppressed. In Armenia access to employment in State organisations was practically closed to Azeris.

31. The winter of 1988 witnessed a further escalation of ethnic cleansing, that culmination of a deliberate policy to destroy the very traces of Azeri presence in Armenia. On the responsibility and with the approval of the Armenian authorities the last 40,897 Azeri families (185,519 persons) were forcibly deported from their traditional land on the territory of the present day Armenian State. They all became homeless and destitute.

32. Mass expatriation was accompanied by murder and the infliction of bodily harm. During the ethnic cleansing of 1988 and 1989 altogether 216 Azerbaijanis died on Armenian territory. Most of the dead were children, women and elderly people.

33. Virtually all attacks on Azeri settlements in Armenia were approved by the Armenian authorities and were headed by leaders, senior district officials and employees of local law enforcement agencies.

34. There were hundreds of historical monuments which bore witness to the fact that Azeris had for many centuries rightfully belonged on the territory of contemporary Armenia. During the forcible expatriation of the Azeris these were either destroyed or altered to appear Armenian. Islamic places of worship and graves at Azeri cemeteries were defiled. Mosques and graveyard memorials were destroyed and dismantled for use as building materials.

35. In order to completely obliterate the fact that Azeris had lived in Armenia, about two thousand settlements which had previously borne Azeri names were renamed, of which 465 villages between 1935 and 1973, and 97 in 1991.

36. Thus did the community in the Armenian Republic strike the final and tragic chord in a meticulously planned campaign aimed at the physical extermination of its most numerous national minority, the Azeris.

37. The prologue to armed action against Azerbaijan were the anti-constitutional acts of externally supported separatist groups in the Nagorny Karabakh region of Azerbaijan. These took place in the context of decisions taken in violation of international law by the Armenian government authorities, the most notorious of which was the resolution adopted the Parliament of Armenia on 1st December 1989 "On the reunification of the Armenian SSR and Nagorny Karabakh." In Armenia's declaration of sovereignty of 23 August 1990 part of another state's territory - the Nagorny Karabakh region of Azerbaijan - is described as an inalienable part of the Armenian Republic.

38. The above-mentioned resolutions of the Armenian Parliament were carried into effect by its armed forces, making wide use of gangs and intense activation of the special services and terrorist organisations against sovereign Azerbaidjan, with a view to forcibly wresting from her part of her ancestral territories.

39. In spite of assertions by Armenian nationalist leaders concerning the violation of the Armenian minority's rights in Azerbaijan, all the basic indications of self-government were present in the Nagorny Karabakh Autonomous Region (NKAO), which had achieved significant social, economic and cultural development.

40. Under the Constitution of the Azerbaijani SSR the legal status of NKAO was defined by the law on the Nagorgy Karabakh autonomous region, proposed by the NKAO Soviet of People's Deputies and adopted by the Supreme Soviet of Azerbaijan. The Nagorny Karabakh region, being a national and territorial unit, had a form of administrative autonomy and accordingly enjoyed a number of rights which in practice ensured that its population's specific needs were met. Under the Constitution of former USSR the Nagorny Karabakh Autonomous Region was represented by 5 deputies in the Nationalities Council of the USSR Supreme Soviet. NKAO was represented by 12 deputies in the Supreme Soviet of the Azerbaijani SSR.

41. The NKAO Soviet of People's Deputies - the government authority in the region - had a wide range of powers. It decided all local issues on the basis of the interests of citizens living in the region, with reference to the interests of citizens living in the region and its national and other specific features. The NKAO Soviet of People's Deputies participated in discussion of issues of Republic-wide significance and made suggestions on them, implemented the decisions of superior government authorities, guided the work of subordinate Soviets. All the organs of state authority, of state administration, of the judiciary, the procuracy and of education performed their work in the Armenian language in accordance with the language needs of the population.

42. In the period 1971-85 capital investment to the value of 483 million roubles was channelled into the development of NKAO, which exceeded capital investment in the previous 15 year period 2.8 times. Over the preceding 20 years the volume of per capita capital investment increased nearly four-fold (226 roubles in 1981-85 against 59 roubles in 1961-65). Over the preceding 15 years housing facilities increased by 3.64 square metres per person in Azerbaijan as a whole, whereas for NKAO the figure was 4.76 square metres. The number of hospital beds per 10,000 of the population increased by 15% more in NKAO than in the rest of the Republic.

43. Despite the fact that, among the regions in the Republic, the NKAO ranked relatively high in terms of the number of pre-school places available, in the period 1971 to 1985 the region's increase in the number of places in children's institutions per 10,000 of the population exceeded the Republican average by 1.4. The same applies to the increase in the number of places for pupils in schools providing general education per 10,000 of the population: the NKAO was ahead by a factor of 1.6.

44. The fact that provision of housing, goods and services was superior to that in the Republic as a whole was typical of the social and cultural development of the region. The apartment area per person in the region was almost one third more than the average for the Republic, while the area available to countrydwellers was 1.5 times more than to the peasants of the Republic [as a whole]. The population of the region was better supplied with medium-level medical staff (by 1.3 times), and with hospital beds (by 3%). There was a more extensive network of institutions providing cultural and information services (more than 3 times the number of cinemas and clubs, twice the number of libraries), there were 1.6 times more books and magazines per 100 readers. 7.7% of school pupils in the region attended school in the second and third shift, whereas it was one out of four in the Republic as a whole, and 37% of children had pre-school places (compared with 20% in the Republic).

45. In fact the NKAO was developing more rapidly than Azerbaijan as a whole. Thus, whereas industrial output in the Republic increased 3 times between 1970 and 1986, the figure for NKAO was 3.3 times (the rate of growth here was 8.3 percent higher). In 1986 3.1 times more basic funds were brought into operation in the region than in 1970, whereas in the Republic the figure was 2.5. In terms of the basic indices of social development NKAO exceeded the average republican standard of living indices for Azerbaijani SSR and for Armenian SSR. Cultural construction increased significantly in the region, as throughout the Republic.

46. Accordingly, and as the experience of the NKAO's experience and development within Azerbaidjan confirms, the form of autonomy which had evolved was entirely appropriate to the specific social, cultural, national and daily needs of the population of the autonomous region.

47. Full-scale hostilities began to unfold end 1991/early 1992, when Armenian armed units engaged in fighting in the Nagorny Karabakh region of Azerbaijan, using the most modern weapons systems. Since May 1992 hostilities have spread beyond the confines of the former Nagorny Karabakh Autonomous Region and have extended to other regions of Azerbaijan. As a result of the war, which started over seven years ago, the armed forces of Armenia have occupied and are holding 20% of the total territory of Azerbaijan, including the Nagorny Karabakh region and territory four times greater than the area of the Nagorny Karabakh region itself.

48. The following is the chronology of the seizure of Azerbaijani towns and districts:

28 February 1992 - Khodzhaly.
8 May 1992 - Shusha.
18 May 1992 - Lachin.

3 April 1993 - Kelbajar.
28 June 1993 - Agdere.
23 July 1993 - Agdam.
23 August 1993 - Fizuli.
26 August 1993 - Djebrail.
31 August 1993 - Kubatly.
28 October 1993 - Zangelan.

49. As a result of the aggression and ethnic cleansing of Azeris both from the territory of Armenia itself and from the occupied Azerbaijani lands there are over one million refugees and displaced persons in Azerbaijan today, including people belonging to various minorities. In humanitarian terms a disastrous situation has evolved in Azerbaijan. Every year hundreds of old people, women and children die in the refugee camps as a result of disease and epidemics.

50. Since the aggression began, over 900 settlements have been plundered and destroyed. Armenia's aggression against Azerbaijan and the destruction of settlements is accompanied by barbaric pillaging and removal of property and valuables from occupied Azerbaijani territory to Armenia. The goods and valuables removed are resold to third countries, and the proceeds are used to finance the continuation of the war.

51. In the course of the war the armed forces of Armenia have plundered 113,000 residential buildings with a total area exceeding 9 million square meters. All the property from these buildings has been taken abroad. The total value of residential homes destroyed and property removed from them comes to tens of billions of dollars.

52. In its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 11 November 1993 the United Nations Security Council condemned the occupation of the territory of the Azerbaijani Republic, reaffirmed respect for the sovereignty, territorial integrity, and inviolability of the borders of the Azerbaijani Republic and the inadmissibility of the use of force for the acquisition of territory, and demanded the immediate cessation of hostilities and hostile acts as well as the immediate, complete and unconditional withdrawal of all occupying forces from the occupied districts of Azerbaijan.

53. At the last OSCE summit meeting the following principles were worked out for settling the armed conflict, recommended by the Co-Chairman of the OSCE Minsk Group and supported by all the OSCE member states with the exception of Armenia:

- the territorial integrity of the Armenian Republic and the Azerbaijani Republic.

- the legal status of Nagorny Karabakh as defined in the Treaty, based on self-determination and affording Nagorny Karabakh the highest degree of self-government within Azerbaijan.

- the guaranteed security of Nagorny Karabakh and the whole of its population, including mutual responsibility to ensure that all Parties observe the provisions of the settlement.

54. In spite of the unambiguous demands of the UN Security Council and the other above-mentioned organisations, Armenia continues to this day to hold occupied Azerbaijani territory and build up its military capability there.

PART II

INFORMATION CONCERNING ARTICLES 2-7 OF THE CONVENTION

55. Under the Constitution and legislation of the Azerbaijani Republic, racial discrimination is prohibited and is being eradicated in Azerbaijan. The recognition, utilisation and implementation of human rights based on equality and basic freedoms in political, economic, social, cultural and all other areas of social life is encouraged and protected.

56. The State guarantees equal rights and freedoms to all, irrespective of race, of skin colour, of tribal, national or ethnic origin and of all other distinctions. Moreover it prohibits the limitation on any of the afore-mentioned grounds of human and civil rights and freedoms.

57. Azerbaijan is a multiethnic country and the Government takes the necessary measures to establish conditions for the undeviating implementation of the rights and freedoms of the individual and the equality of rights of all citizens, and to ensure that representatives of ethnic minorities are drawn into active participation, on the basis of equality of rights, in all spheres of vital activity in the Republic.

58. The various minorities are well represented in the official State organisations of the Azerbaijani Republic, its Government and national Assembly. In towns and regions, settlements and villages where there are compact groups of ethnic minorities the leading posts in the State apparatus are held by representatives of the local population, which is clear evidence of the implementation of human rights and individual freedoms proclaimed in the Azerbaijani Republic, and of the equality of citizens irrespective of racial or ethnic affiliation or religion.

59. Over the last few years cultural centres, charities and other public organisations relating to all the minorities in the country have been set up. The State does what it can to afford these organisations material and financial aid from the State budget and from the President's Fund, specifically granting plots of land and tax exemptions.

60. According to the 1989 census, the ethnic composition of the Azerbaijani Republic is as follows (in thousands of persons):

Azerbaijanis	5.81
Russians	392,3
Armenians	390,5
Lezgins	171,4
Avars	44,1
Ukrainians	32,2
Jews	30,8
Tatars	28,6
Georgians	14,2
Others	112,0
Total population	7.631,6

61. As there is to be a census of the population in the Republic in the year 2000 it is not possible to give more precise data at present.

Article 2

62. Under Article 25 of the Constitution, entitled "The Right to Equality", the State guarantees the equal rights and freedoms of every person irrespective of race, nationality, religion, language, sex, origin and other distinguishing characteristics. Under the Basic Law it is prohibited to limit human and civil rights and freedoms on the grounds of any of the afore-mentioned characteristics. It is the duty of the bodies of legislative, executive and judicial power to protect the human and civil rights and freedoms enshrined in the Constitution. No-one may restrict the implementation of human and civil rights and freedoms.

63. Under Article 19 of the Constitutional Act "On the State Independence of the Azerbaijani Republic" all citizens in the Azerbaijani Republic are equal before the law.

64. It is a criminal offence under Article 67 of the Criminal Code of the Azerbaijani Republic to violate [the principle of] national and racial equality.

65. The principle of equality is reflected in the relevant clauses of the legislative instruments of the Azerbaijani Republic and in the Decrees of the President of the Azerbaijani Republic adopted in 1998 "On measures to secure human and civil rights and freedoms", "On the State Programme for protecting human rights", "On additional measures to secure freedom of speech, thought and information" and in the Instruction "On the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in the Azerbaijani Republic."

66. In accordance with the Decree of the President of the Azerbaijani Republic "On the protection of rights and freedoms and on State support for the promotion of the languages and cultures of national minorities, numerically small peoples and ethnic groups living in the Azerbaijani Republic" dated 16 September 1992, the Presidential Staff, the Cabinet of Ministers, the ministries and departments, the heads of local executive bodies are implementing specific measures in pursuit of the State's policy in the following directions:

- the conservation and development of the distinctive cultures, languages and religions of national minorities and ethnic groups;

- the free exercise of national traditions and customs, religious rites and ceremonies, the conservation and utilization of holy sites;

- the free development of national trades, professional and amateur creative pursuits and national handicrafts;

- the safeguarding of historical and cultural monuments belonging to all national groups;

- the safeguarding and conservation of places that are important to the population, protected lands, parks and other natural features.

Article 3

67. Since the earliest days of its independence the Azerbaijani Republic has opposed racial segregation and apartheid.

68. The Azerbaijani Republic's Constitution and legislation guarantee that the prevention, prohibition and eradication of all practices of this nature shall constitute a duty within the Azerbaijani Republic

69. On 31 May 1996 the Azerbaijani Republic acceded to the International Convention on ending and punishing the crime of apartheid .

70. In view of the democratic process started in the Republic of South Africa the Azerbaijani Republic established diplomatic relations with it on 24 April 1992.

Article 4

71. Article 67 of the Azerbaijani Republic's Criminal Code, entitled "Violation of the principle of national or racial equality", holds persons criminally liable for "Actions deliberately intended to arouse national or racial hostility or strife, to lower national honour and dignity, equally to directly or indirectly restrict citizens' rights or to directly or indirectly establish advantages for citizens based on their membership of a racial or national group". Moreover the above-mentioned offences are aggravated if committed with violence, deceit or threats, likewise if performed by a person or group of persons in an official capacity, or if they result in death other grave consequences. The Criminal Code classes offences against this Article as treason.

72. Article 4 of the Azerbaijani Republic's Law "On political parties" does not allow the creation or operation of political parties whose aim or method of operation is to stir up racial, national or religious strife.

73. Similar articles are contained in the Azerbaijani Republic's Law "On public organisations" (Article 4) of 10 November 1992 and in the Azerbaijani Republic's Law "On trade unions" (Article 8) of 24 February 1994.

74. Article 4 of the Azerbaijani Republic's Law "On the mass media" of 21 July 1992 specifies that the use of the mass media for the purpose of promoting national, racial, religious and other kinds of discrimination will not be tolerated.

75. All the necessary legal regulations which make racist activity a criminal offence have therefore been adopted and are in operation in the Azerbaijani Republic.

76. Since the state independence of Azerbaijan was re-established, the law enforcement agencies of the country have not recorded a single case involving discrimination against citizens on the basis of racial, national or ethnic origin.

Article 5

A. The right to equality before the Courts

77. Under Article 60 of the Constitution "The defence of every person"s rights and freedoms before the courts is guaranteed".

78. Article 127 of the Constitution secures the principle that justice is done on the basis of the equality of citizens before the law and the courts.

79. The Codes of Civil Procedure and Criminal Procedure respectively contain provisions for the conduct of civil and criminal judicial proceedings based on the principle of citizens' equality before the law and the courts.

80. Under Article 25 of the Constitution and Article 7 of the Azerbaijani Republic's Law "On Courts and Judges"of 10 June 1997, justice is administered on the basis that every person is legally equal before the law and the court, irrespective of race, nationality and ethnic affiliation, religion and other distinctions.

81. Article 127 of the Azerbaijani Republic's Constitution enshrines the principle that all cases shall be examined in court in public. The verdicts of the courts are in all cases delivered publicly.

82. In the Azerbaijani Republic court proceedings are conducted in the official language of the Azerbaijani Republic or in the language spoken by the majority of the population in a locality. Persons involved in a case who do not have a command of the language in which judicial proceedings are conducted are ensured the right to familiarise themselves fully with the documents in the case, participation in the judicial acts through an interpreter and the right to speak their own language during court appearances. Violation of the right to use one's native language during judicial proceedings constitutes a grave violation of judicial procedure and entails repeal of the sentence.

B. The right to personal inviolability

83. Article 32 of the Azerbaijani Republic's Constitution guarantees the citizens of Azerbaijan personal inviolability.

84. This provision of the Constitution is applied in the Code on Criminal Procedure, Article 11, "Inviolability of the person", in which the above-mentioned provision is complemented by an instruction to the procurator to release immediately anyone illegally deprived of their liberty or held in custody for a period longer than specified by law or sentence. Offenders are subject to criminal prosecution. This applies also when the offences are committed by persons during the performance of their official duties. Article 174 of the Criminal Code provides for the accountability of persons conducting an inquiry, investigators and procurators who deliberately lay criminal charges against an innocent man for self-interested or personal motives. Under Article 175 of the Criminal Code judges who, for self-interested or other motives, deliberately issue an unjust verdict, decision, definition or instruction are accountable, while under Article 176 accountability is for deliberately unlawful detention or arrest.

85. Within the Azerbaijani Republic's Ministry for Internal Affairs there is a Special Directorate dealing with staff, which investigates irregularities in the treatment of citizens by employees of the police. For example during the first half of 1998 one employee of the internal affairs agencies was sacked and four persons were called to account under disciplinary procedures for infringement of human rights and freedoms in the Khanlar District Police Department. Within the Administration of the Ministry of Internal Affairs there is a complaints and registrations department which accepts complaints and statements from the public.

86. In the first half of 1998 altogether 94 internal affairs employees faced various disciplinary proceedings for infringement of human rights and freedoms.

C. Political rights

87. Article 55 of the Constitution guarantees citizens of the Azerbaijani Republic the right to participate in the government of the State, which they may exercise directly or through their representatives.

88. Article 56 of the Constitution gives the citizens of the Azerbaijani Republic the right to elect and stand for election to State bodies, and to participate in referenda.

89. Elections in the Azerbaijani Republic are conducted on the basis of universal, equal and direct suffrage, by free, personal and secret ballot vote.

90. A citizen obtains the right to vote on attaining his majority, that is at 18 years of age. The right to stand for election comes at the age of 18, or later: at 25 for election to Parliament, at 35 for President.

91. Under Article 3 of the Constitution the people of Azerbaijan may decide any issue involving its rights and interests by referendum.

92. Under the Constitution of the Azerbaijani Republic the following types of election take place in the Azerbaijani Republic: presidential elections, the election of deputies to the National Assembly (Parliament) and municipal elections.

93. The Constitutional Court of the Azerbaijani Republic announces the results of elections to the post of President of the Azerbaijani Republic. It also checks and confirms the propriety of elections of deputies to the National Assembly of the Azerbaijani Republic.

94. The following Laws have been passed in Azerbaijan to enable citizens of the Azerbaijani Republic to exercise their suffrage as guaranteed by the Constitution. "On elections to the National Assembly of the Azerbaijani Republic" of 12 August 1995, "On the election of the President of the Azerbaijani Republic" of 4 June 1998, "On referenda" of 30 December 1997, "On the Central Electoral Commission of the Azerbaijani Republic" of 15 May 1998.

95. Article 134 of the Criminal Code of the Azerbaijani Republic makes it an offence to obstruct the citizen's right to vote or to participate in a popular ballot (referendum). Article 135 of the Criminal Code makes it an offence to forge ballot papers in an election or popular ballot (referendum), to deliberately falsify the count or the results of an election or a popular ballot (referendum), or to violate the secrecy of a ballot. Article 135-1 of the Criminal Code makes violation of the laws on elections or on popular ballots a punishable offence.

D. Civil rights

(i) The right to freedom of movement and choice of place of residence within the State

(ii) The right to leave any country, including one's own, and to return to one's own country

96. In accordance with Article 28 of the Constitution, entitled "The right to freedom", every person may move about freely, choose his place of residence and leave the Azerbaijani Republic, and may likewise at any time return unhindered to his country. These rights may be limited only in accordance with legally established procedure, that is through detention, retention in custody or arrest. These rights are exercised in accordance with the specific procedures described in the Azerbaijani Republic's Law "On leaving and entering the country and on passports" of 14 June 1994.

(iii) The right to citizenship

97. Article 52 of the Constitution states: "A person who is subject to the Azerbaijani State, who has a political and legal relationship with it, and likewise mutual rights and obligations, is a citizen of the Azerbaijani Republic. A person born on the territory of the Azerbajani Republic or born to citizens of the Azerbaijani Republic is a citizen of the Azerbaijani Republic. A person one of whose parents is a citizen of the Azerbaijani Republic is a citizen of the Azerbaijani Republic."

98. Article 53 contains the guarantees of the right to citizenship. Thus a citizen of the Azerbaijani Republic may not in any circumstances be deprived of citizenship of the Azerbaijani Republic, exiled from the Azerbaijani Republic or handed over to a foreign state. Moreover the State guarantees legal defence and protection to its citizens temporarily or permanently resident abroad.

99. A citizen of the Azerbaijani Republic may not simultaneously hold citizenship of another State.

100. The old law "On citizenship" passed on 26 June 1990 was previously in force in Azerbaijan. A new law "On Citizenship" was drafted with the help of experts from the Council of Europe and the office of the UN High Commissioner for Refugees, and was adopted by the Parliament of the Azerbaijani Republic on 30 September 1998.

101. In accordance with the Constitution of the Azerbaijani Republic (Article 69) foreigners and stateless persons in the Azerbaijani Republic may enjoy all the rights of, and must fulfil all responsibilities on an equal footing with, citizens of the Azerbaijani Republic unless otherwise specified by law or an international treaty of which the Azerbaijani Republic is a member. The rights and freedoms of foreigners and stateless persons permanently resident or temporarily staying in the Azerbaijani Republic may be limited only in accordance with international regulations and the laws of the Azerbaijani Republic. These rights are exercised in accordance with the specific procedures described in the Azerbaijani Republic's Law "On the legal position of foreigners and stateless persons" of 13 March 1996.

102. The Azerbaijani Republic is a member of the Convention on the citizenship of married women, the Convention on the reduction of statelessness, the Convention on the status of stateless persons, the Convention and Protocol on the status of refugees.

(iv) <u>The right to contract a marriage and to select a spouse</u>

103. Under Article 34 of the Constitution of the Azerbaijani Republic every person has a right to found a family upon reaching the legal age for marriage. Moreover the Basic Law of the country guarantees the right to contract a marriage on the basis of freely given consent. No-one may be forced to contract a marriage. This provision is reflected in the Code of the Azerbaijani Republic on marriage and the family which stipulates in particular that marriages shall be contracted in the State offices responsible for registering civil status.

104. It is a necessary condition for entering into marriage to have reached the age established by law (18 for men and 17 for women). In certain exceptional cases the marriageable age may be lowered by the local authorities by a maximum of one year.

105. The marriage partners have equal rights within the family. The partners make decisions concerning the upbring of children and other family matters jointly. Each partner is free to choose an occupation, profession, place of residence and family. Parental rights may not be exercised in a way contrary to the interests of the children. A parent living apart from the children has a right to associate with them and to participate in their upbringing.

(v) <u>The right to own property both individually and together with others.</u>

106. Under Article 29 of the Constitution of the Azerbaijani Republic every person has a right to own property, and this is protected by the State. Moreover everyone may own moveable property and real estate. The right to property

includes the owner's right to own, use and dispose of property alone or jointly with other persons. Under the Basic Law of the country no-one may be deprived of property otherwise than by a court ruling. Complete confiscation of property is not permitted. The transfer of property to meet the needs of the State or of society is permissible only on condition of prior and just compensation of its value.

107. Property relations are governed by the Azerbaijani Republic's Law "On property" of 9 November 1991.

108. Under the Azerbaijani Republic's Law "On kinds of property which citizens may not own, based on considerations of State and social security, and of international obligations" of 2 December 1992. Such kinds of property include weapons (other than hunting weapons), enterprises to manufacture arms and ammunition, explosive or radioactive substances, and equipment to print securities.

(vi) The right of inheritance

109. Article 28 of the Constitution guarantees the right of inheritance.

110. This constitutional provision is governed by the Civil Code of the Azerbaijani Republic, which stipulates two kinds of inheritance, by law and by legacy.

(vii) The right to freedom of thought, conscience and religion

111. Article 48 of the Constitution of the Republic enshrines the right to freedom of conscience, that is every person's right to adopt his own attitude towards religion, to profess any religion whatsoever whether alone or jointly with others, not to profess any religion, and to express and propagate his convictions concerning religion.

112. The Law "On freedom of religion" of 20 August 1992 applies in the Azerbaijani Republic under which, in particular, it is not permitted to benefit or restrict any form of religion or of religious grouping relative to others.

113. That over 200 Muslim mosques, over 50 Christian churches and communities and five synagogues are currently registered in the Republic is confirmation of the above. The following are also active in Azerbaijan: religious communities, institutions and centres of the Muslims of the Caucasus, of the Russian Orthodox churches, of the Evangelical Christians or Baptists, of the Adventist communities, of an international Protestant Christian association (The Saving Grace), the Baku branches of the international Krishnaite and Baha'i associations. In addition hundreds of different religious groupings are active unofficially, of which about 60 are communities belonging to the Christian religion.

114. The Dean of the Russian Orthodox churches represents five Russian Orthodox churches of which three are in Baku, one in the Gyandzha district and one in the Khachmassk district of Azerbaijan. There are four working Georgian Orthodox churches in the Gakhsk district and two Christian churches in the Gabalinsk district, and over thirty traditional Protestant communities are functioning in

different parts of Azerbaijan (Molokans, Baptists, Pentacostalists, Seventh Day Adventists, Lutherans, New Apostolic and others). A number of these communities were registered in the years immediately following the re-establishment of Azerbaijan's independence. Some of the less traditional Protestant Christian communities founded by foreign religious missionaries, as well as a number of other religious groupings, were officially registered somewhat later. These include the "Saving Grace", the Church of the New Apostle, the German Lutheran Church, the Baku branch of the International Krishna association, the Ba'hai religious association and many others. It is worth noting that a number of Protestant Christian and Catholic Christian communities are functioning in Azerbaijan which came from America and Europe.

115. Of the five Jewish working synagogues in Azerbaijan three are in Baku, one in the village of "Krasnaya Svoboda"[Red freedom] in the Gubinsk region, and one in the centre of the Oguzsk district. The Mountain Jews form the greater part of the Jewish diaspora in Azerbaijan, and theirs is one of the most active synagogues in the country, with one of the largest congregations. After this community come, in descending order, the Jews of the Gubinsk district, the European Jews, the Georgian Jews and the Jews of the Oguzsk district.

116. A number of Islamic, Christian and Jewish establishments for spiritual eduction are working in Azerbaijan: the Islamic University of Baku, several madarasas, Sunday schools attached to Christian Orthodox churches, Pentacostalist Bible courses, the Bible school of the Saving Grace international Protestant Christian association.

117. Classes have also been started at General Education School No 46 in Baku for the study of Hebrew, of the Jewish religion, culture and history.

118. The religious confessions active in Azerbaijan maintain close links with religious centres in different countries and participate actively in events with a religious focus which these organise. Thus the Directorate of the Caucasus Muslims has established friendly relations with the Islamic Conference Organisation and with Islamic and other religious centres abroad

119. The Dean of the Russian Orthodox Church keeps in contact and collaborates with the Christian religious centres functioning the CIS countries. The Jewish synagogues have wide-ranging contacts with Jewish communities in various countries.

120. The religious confessions and non-traditional religious groupings in Azerbaijan engage in charitable work. They support a number of societies providing humanitarian assistance, and themselves visit boarding schools, homes for the disabled, hospitals and prisons, and extend material and moral assistance to them.

121. The national and religious occasions of all the religious confessions are widely celebrated in Azerbaijan and the President of the country publicly extends his greetings once a year to each of them. The Presidential Fund regularly provides financial assistance to Jewish synagogues and Orthodox churches.

122. Evidence of the atmosphere of mutual respect between the confessions is to be found in their active participation on an equal footing in the life of society, including the formulation of joint addresses on issues of Republic-wide significance.

(viii) The right to freedom of convictions and to their free expression

123. Article 47 of the Constitution guarantees the right of every person to freedom of thought and of convictions. Moreover no-one may be compelled to [publicly] proclaim their thoughts or beliefs convictions nor to repudiate them. The afore-mentioned Article of the Basic Law of the country does not permit agitation or propaganda aimed at arousing racial, religious or social strife or hostility.

124. Article 50 of the Constitution enshrines the right of every person to seek, acquire, transmit, compile and disseminate information by legal means. At the same time it guarantees freedom of information to the public and prohibits government censorship of the mass media, including censorship of the press.

125. The Law "On the mass media" of 21 July 1992 operates in the Azerbaijani Republic to implement the inalienable human right to freedom of speech.

126. On 6 August 1998 the President of the Azerbaijani Republic issued a Decree "On additional measures to ensure freedom of speech, thought and information."

127. More detailed information on the Azerbaijani Republic Government's policy on ensuring freedom of convictions and of speech are contained in the section of the report on Article 7 of the Convention.

(ix) The right to freedom of peaceful assembly and association

128. The right to freedom of assembly is guaranteed in Article 49 of the Constitution. Under this Article of the country's Basic Law every person is entitled, provided the relevant government authorities have been notified in advance, to perform the following actions, together with others, peacefully and unarmed: to assemble, to hold assemblies, meetings, demonstrations, to process through the streets and to set up pickets.

129. In accordance with Article 58 of the Constitution every person is entitled to set up any kind of association, including political parties, trade unions and other public associations, or to join an existing association.

130. Implementation of the right to freedom of association is governed by the Azerbaijani Republic's Laws "On political parties" of 3 July 1992, "On public associations" of 10 November 1992 and "On trade unions" of 24 February 1994.

131. To date the Ministry of Justice of the Azerbaijani Republic has registered 31 political parties and 1058 public associations.

E. Economic, social and cultural rights

132. Chapter 3 of the Constitution of the Azerbaijani Republic deals with human, economic, social and cultural rights. This chapter contains articles

which guarantee the right to property, the right to intellectual property, the right to work, the right to strike, the right to rest, the right to social security, the right to live in a healthy environment, the right to culture, the right to health care, the right to education, the right to housing, the right to creativity, the right to enterprise freely.

(i) The right to work, to a free choice of work, to just and favourable working conditions, to protection from unemployment, to equal pay for equal work, to fair and adequate reward

133. The Azerbaijani Republic's Law "On the employment of the population of the Azerbaijani Republic" of 27 June 1991 defines the State's employment policy. It includes promoting the right of every person to full, productive and freely selected employment.

134. The legislation of the Azerbaijanai Republic ensures equality of opportunity to all citizens residing in the country, irrespective of race, of tribal, national or ethnic origin and of other distinctions, to pursue their right to work and freely select their employment.

135. Under Article 8 of the afore-mentioned law citizens registered with the State employment service as seeking work have the right to free vocational guidance, vocational training and to obtain relevant information to help them choose a form of occupation, a place to work and working conditions.

136. Likewise no discrimination is permitted in the field of labour relations. Under Article 7 of the Azerbaijani Republic's Law "On individual labour agreements (contracts)" of 21 May 1996 and Article 17 of the Code of Labour Laws of the Azerbaijani Republic, as labour relations come into being, change or cease it is categorically prohibited to permit any discrimination between workers on the basis of race,of tribal, national or ethnic origin or of other distinctions and factors unrelated to a worker's business-related qualities, the results of his work or his professional skills. A worker subjected to restriction of his rights or other discrimination in the course of labour relations may have recourse to the courts.

137. Observation of the provisions of this Article is secured by both administrative and criminal penalties. Under Article 41 of the Azerbaijani Republic's Code on administrative offences officials who infringe the labour laws shall be fined between five and seven times the minimum wage.

138. It is an offence under Article 136 of the Criminal Code to violate labour legislation.

139. Article 21 of the Law "On employment in the Azerbaijani Republic" of 27 June 1991 stipulates that courses shall be provided to improve the skills of, and to retrain persons seeking work

140. A State Labour Inspection [facility] was established in accordance with a Decree of the President of the Azerbaijani Republic issued on 27 January 1997. One of its tasks is to verify the observance of labour legislation, so ruling out offences of a discriminatory nature in the Azerbaijani Republic.

141. Under the Constitution (Article 133 Part I) the Procuracy of the Azerbaijani Republic directs the application and implementation of laws in accordance with procedure provided by law. In cases specified by law it opens a criminal case and conducts an investigation; it puts the case for the prosecution in court; it initiates prosecutions; it appeals against decisions of the court.

142. Being a member of the International Labour Organisation the Azerbaijani Republic has acceded to a number of fundamental ILO instruments, including Convention No.111, "Convention concerning Discrimination in Respect of Employment and Occupation" (1958), and periodically submits a Government report to the International Labour Organisation on the application of the provisions of this Convention country-wide.

(ii) The right to set up and join trade unions

143. The right to set up and join trade unions is guaranteed in Article 58 of the Constitution and in the Law of the Azerbaijani Republic "On trade unions" of the 24 February 1994.

144. The trade unions are also entitled to verify the observance of labour legislation, including the barring of discrimination.

145. The activity of the trade unions is carried out in accordance with their Articles of Association, which define the principles and forms of trade union organisation, the trade union internal rules and regulations, the tasks of trade unions, the forms and methods of their work in practice.

(iii) The right to housing

146. The right to housing is guaranteed in Article 43 of the Constitution, which specifies that no-one may be unlawfully deprived of their housing. It also affirms the State's duty to promote residential construction and to undertake special measures to realise the right to housing.

147. The Azerbaijani Republic's Code on Housing reflects the following tasks: to regulate housing issues so as to ensure the citizens' constitutional right to housing, to utilize and conserve the housing stock, also to consolidate legality in respect of housing relations and of local government housing.

148. The Land Code of the Azerbaijani Republic considers issues related to land use, land distribution, land grants, division of land into districts and land organisation.

149. The principal obstacle to implementation of the right to housing is the continuing aggression by Armenia against Azerbaijan, which has destructive consequences for the country, the occupation of part of its territory, and the presence of over a million refugees and stateless persons.

(iv) The right to public health care, medical assistance, social security and social services

150. Under Article 41 of the Constitution every person has a right to health care and to medical assistance.

151. The right to health care and to medical assistance is also secured by the Azerbaijani Republic's Law "On public health care" of 26 June 1997. This right is secured by providing free qualified medical care in State health care institutions, by extending the network of institutions providing medical treatment and promoting the health of citizens, by developing and improving health and safety at work, and by introducing a wide range of prophylactic measures.

152. As a result of the Armenian Republic's aggression against the Azerbaijani Republic over a million people were forced to flee their homes, most of whom are now living in agglomerations under canvas. Mass expulsions from places of permanent settlement have paralysed the whole social infrastructure. A significant number of treatment and health promotion centres are out of action or are being used for other purposes. It is far more difficult to provide medical services to refugees and displaced persons than to the majority of the population. Nevertheless all populated areas, including agglomerations under canvas, are provided with the medical equipment and medicines necessary for rendering essential minimum assistance. With the help of especially created medical teams all refugees and displaced persons undergo a preventive medical examination.

153. The right to social security is stipulated in Article 38 of the Constitution and governed by the Law "On the provision of pensions to citizens" of 23 September 1992.

154. The above-mentioned Article of the country's Basic Law guarantees the right to social security on reaching the age specified by law, in the case of illness, disability, losing the bread-winner and disablement, in case of unemployment and in other cases stipulated by legislation. The Constitution imposes on the State a duty to create opportunities for charitable work, voluntary social insurance and other forms of social provision to develop.

155. Under the Law "On pension provision for citizens" of 23 September 1992, citizens of other states and stateless persons living permanently in the Republic who have worked for the appropriate length of time are also entitled to draw a pension in the Azerbaijani Republic.

156. Moreover, provision is made in the Azerbaijani Republic to pay allowances and compensation to persons in need of social protection, including victims of the armed aggression of Armenia against Azerbaijan.

157. Under Article 42 of the Constitution every citizen has a right to education. The State guarantees free, compulsory and general secondary education.

158. Article 3 of the Law "On education" of 7 October 1992 secures the right of citizens to education, irrespective of racial, tribal, national or ethnic

affiliation or other distinctions, and also ensures freedom of choice regarding form of education, educational institution and teaching language.

159. Article 7 of the Convention contains more detailed information concerning the Azerbaijani Republic's policy in respect of education.

(vi) The right to equal participation in cultural life

160. Under Article 40 of the Constitution every person is entitled to participate in cultural life, to utilize the cultural institutions and cultural valuables. It affirms a duty to treat the historical, cultural and spiritual heritage with respect, to take care of it, and to protect the historical and cultural monuments.

161. The right to equal participation in cultural life is secured by Azerbaijani Republic's Law "On culture" of 6 February 1998.

162. More detailed information on the Azerbijani Republic Government's policy in respect of culture is contained in the section of the report dealing with Article 7 of the Convention.

F. The right to access to any place and any sort of service intended for public use such as transport, hotels, restaurants, cafes, theatres and parks

163. Implementation of this right on an equal basis is guaranteed by legal and statutory instruments of the Azerbaijani Republic.

Article 6

164. Chapter 4 of the Constitution is devoted to guarantees of human rights and freedoms. Article 60 of the country's Basic Law guarantees protection of the rights and freedoms of every person in the courts. Anyone may appeal to the courts against the decisions and actions (or inaction) of State agencies, political parties, trade unions, other public associations, and of officials.

165. Under Article 61 of the Constitution every person is entitled to qualified legal assistance. In cases specified by law legal aid is provided free, at the cost of the State. From the moment a person is detained, taken into custody or charged with committing a crime by the competent State agencies, he is entitled to the assistance of a defence lawyer.

166. Article 68 of the Constitution guarantees to the victim of a crime, or of an abuse of power, the right to demand compensation for damages. Moreover the victim is entitled to participate in the administration of justice and to demand compensation for damage inflicted. Every person is entitled to compensation by the State for injury suffered as a result of the unlawful actions, or of the inaction, of a State agency or of its official.

167. The civil and the criminal legislation of the Azerbaijani Republic stipulate compensation for damages.

Article 7

A. Education and instruction

168. The citizens of the Azerbaijani Republic are entitled to free instruction in the State educational institutions. Supplementary fee-paying study groups may be additionally organised within these educational institutions.

169. We submit the following statistics for the academic year 1997/98:

Number of schools	4,519
Number of pupils (in thousands)	1,613
Number of institutions of secondary education	73
Number of pupils (in thousands)	32,6
Number of institutions of higher education	25
Number of students (in thousands)	79,8

170. There were 2,270 foreign students studying at institutions of higher education at the beginning of the academic year 1997/98.

171. The State is working in a variety of ways in order to enlist the cooperation of foreign governmental and non-governmental organisations in the process of educating pupils and students from Azerbaijan abroad. In particular, on the basis of intergovernmental treaties and of interdepartmental agreements, pupils and students from Azerbaijan are being educated on free of charge terms in Turkey, USA,Kuwait, Egypt, Jordan, Sudan, Iran, Poland, Germany, Israel and China.

172. A Council has been set up within the Ministry of Education to prepare and publish the programmes, teaching aids and textbooks necessary for teaching the minority languages.

173. There are two schools located in areas with compact ethnic Georgian populations, in which instruction is in three languages: Azerbaijani, Georgian and Russian.

174. In schools located in areas with compact minority populations we have introduced two hours of weekly instruction in the native language, history and national culture. Such instruction takes place in the Lezgin, Tatok, Talysh and other languages.

175. The State's attitude to the language of the people dwelling in the mountain village of Khynalyg is worth noting. Despite the fact the language spoken by these villagers does not fit into any language group, and is spoken by the population of only one village, books are published in the Khynalyg language, and a Khynalyg cultural centre operates in the Republic.

176. In 1997 the State funded publication of alphabet books and textbooks in the following languages: Russian, Talysh, Kurdish, Lezgin, Tsakhur and Tatok.

177. Before the aggression of the Armenian Republic against the Azerbaijani Republic, in the 1988-89 academic year there were 136 secondary schools in which

the teaching language was Armenian (16,120 pupils) and 13 international schools (7,045 pupils) in the former Nagorny Karabakh Autonomous Region (NKAO) of Azerbaijan. There were altogether 181 Armenian secondary schools (20,712 pupils) and 29 international schools (12,766 pupils) in Azerbaijan in the academic year 1988-1989. In the town of Khankendi (formerly Stepanakert) there was a State Pedagogical Institute with over 2,130 students, mainly Armenians, annually attending its Armenian, Azerbaijani and Russian departments In addition there were dozens of technical colleges and vocational training schools in NKAO working in the Armenian and Russian languages.

B. Culture

178. Article 17 of the Law "On Culture" of 6 February 1998 and other legal instruments concerning culture secure the State's right and duty to interfere in the cultural sphere in cases where violence or racial discrimination are displayed.

179. Support for the national languages and cultures of all minorities living on the territory of Azerbaijan is one of the important orientations of the Azerbaijani State's national policy.

180. The minority organisations and national and cultural centres operating in Azerbaijan are listed below:

The "Mada"International Association (Talysh)
The "Avesta" Association (Talysh)
The Talysh Cultural Centre
The Kurdish "Ronai" Cultural Centre
The Lezgin "Samur" Centre
The Society of the Dagestan-speaking mountain peoples of Azerbaijan
The "Dagestan" Cultural Centre
The Tsakhur Cultural Centre
The Udin "Orain" Cultural Centre
The Avar "Imam Shamil" Centre
The Lagych Charitable Association
The Tatok "Azeri" Cultural Centre
The Russian Community of Azerbaijan
The Cultural Centre of the Slavs of Azerbaijan
The "Sodruzhestvo" Community] Society
The Tatar Community of Azerbaijan
The Tatar "Tugan Tel" Cultural Centre
The Meskhetin Turks "Veten" Society
The Meskhetin Turks "Akhyska" Cultural Centre
The "Budug" Cultural Centre
The "Shakhdag" Cultural Centre
The Community of the European Jews
The Community of the Mountain Jews
The "Azerbaijan-Israel" Society
The "Iudaica" International Society
The German national and cultural Association
The "Khynalyg" Cultural Centre

181. Azerbaijan today has a wide network of State, departmental, trade union, private and commercial cultural institutions, consisting of some 14 thousand units. These are theatres,concert organisations and halls, museums,art galleries and exhibition halls, parks of culture, clubs and leisure centres, libraries, music and art schools as well as art colleges.

182. There are at present 25 State theatres, over 140 museums and their branches, 27 picture galleries, as well as 10,000 libraries with a total stock of 100 million books. Over 140,000 people are employed in the 4,000 clubs which unite over 10,000 amateur and technical creative groups and amateur groupings. 75,000 children and adolescents are studying and accessing culture and many genres and forms of art in the 270 music and art schools as well as art colleges.

183. In areas with compact minority populations there are club-based amateur societies, national and state theatres, amateur associations and interest-focused clubs. For example the Lezgin State theatre operates in the Kusar district, the Georgian national theatre and national puppet theatre in the Kakhsk district, Talysh folkloric groups in the Astarin and Masallin districts, the Turkish folkloric "Adygyun" group in the Saatlin district, the Tatar "Tugan tel" song and dance ensemble and the Russian "Sudarushka" ensemble in the town of Baku.

184. The cultural heritage of Azerbaijan was seriously damaged as a result of the armed aggression of Armenia against Azerbaijan. A clear confirmation of the vandalism of the occupying forces is the war they have declared on the Azerbaijani cultural heritage in the occupied territories, where unique cultural, historical and architectural features have been completely or partially destroyed. Moreover, a large number of works by painters and sculptors, costly decorations, decorative and applied art objects, valuable manuscripts - both from museum exhibits and from private collections - have been taken away to Armenia by the occupiers as trophies.

185. The Fate of the destroyed sites and plundered treasures was placed on record by the Minister for Foreign Affairs of the Azerbaijani Republic in November 1993 at the 27th session of the General Conference of the United Nations Educational, Scientific and Cultural organization in Paris. In November 1994 a UNESCO mission visited Azerbaijan to identify the state of preservation of the educational, cultural and architectural facilities on the territory of Azerbaijan occupied by armed forces of the Republic of Armenia, and confirmed the existence of serious damage to educational institutions and the Azerbaijani cultural heritage as a result of the war.

186. The Museum of Stone Monuments in Zangela district and the Museum of History in the town of Shusha continue to be destroyed in the occupation. The Kelbajar Museum of Local History, which contained rare historical exhibits, articles made of gold, silver and precious stones, hand-made carpets and other valuable items, has been completely looted. The museum in the house of the founder of the first opera in the Muslim East (1908), the musician and public figure Uzeir Gadzhibekov, is in danger of disappearing. Sculptural representations of Uzeir Gadzhibekov, the famous poet and vizier (Prime Minister) of the Azerbaijani Karabakh khanate, Vagif, one of the rulers of the Karabakh khanate, the poetess Khurshid-Banu Natavan, and the outstanding tenor

who studied at La Scala in Milan, Biul-Biul, have been destroyed or damaged. Many thousands of rare printed works and priceless manuscripts have been destroyed in pillaged and burned libraries. The costly furniture of the palaces of culture and four State theatres also failed to escape the vandals of the twentieth century.

C. Information

187. In Azerbaijan radio and television broadcasts are made, and books, magazines and newspapers are published, in the languages of the various minority populations of the Republic. Thus the Republic radio [station] regularly organises broadcasts in the Kurdish, Lezgin, Talysh, Georgian, Russian and Armenian languages, which are financed from the State budget. The local radio station in the Belokan district organises broadcasts in the Avar language, while in the Khachma district they broadcast in the Lezgin and Tatok languages. In the Gusar and Khachma districts local television broadcasts in the Lezgin language. In the city of Baku over 20 newspapers are published in Russian, and there are daily radio and television broadcasts in the language. The Russian programmes of ORT, RTR and NTV are relayed in full. In Azerbaijan there are also several private television and radio companies, and the State television channel shows an English language programme. Newspapers are also published in the Kurdish, Lezgin, Talysh and Georgian languages, and these receive financial assistance from the State. In particular, the newspapers "Samur" and "Dengi Kurd" are published in Azerbaijan in the Lezgin and in Kurdish languages respectively, while in the Gusar district the newspaper "Gusar" is published in Lezgin. The Jewish society "Sokhnut" publishes the newspaper "Aziz".

188. In 1998 the "Azerbaijan" publishing house produced "Human Rights: A Compilation of International Instruments"in the Azerbaijani language, on the initiative of the Azerbaijani National Commission on UNESCO.

189. This year the Government of Azerbaijan and the Office of the United Nations High Commissioner for Human Rights signed a programme of technical assistance to Azerbaijan intended to strengthen the momentum and the infrastructure in support and defence of human rights. The programme envisions the dissemination of United Nations information and documentation on human rights.

190. In accordance with the Instruction signed on 16 April 1998 by the President of the Azerbaijani Republic "On the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in the Azerbaijani Republic", plans have been drawn up as follows: to hold seminars on human rights for representatives of non-governmental organisations and the mass media, to organise television and radio broadcasts on the protection of human rights, to publish textbooks on human rights for institutions of higher and secondary education, to disseminate information on the protection of human rights in the Azerbaijani Republic on the Internet etc.